

# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE PUDA COAL SECURITIES INC.  
et al. LITIGATION**

Case No: 1:11-CV-2598 (KBF)

CLASS ACTION

**[PROPOSED] ORDER ENTERING DEFAULT JUDGMENT**

WHEREAS, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure and Rule 55.2 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York (the “Local Rules”), Class Representatives Salomon Querub, Howard Pritchard, Hotel Ventures LLC, and Steven Weissmann and Trellus Management Company LLC (collectively, “Plaintiffs”) have applied for entry of judgment by default against Puda Coal, Inc. (“Puda”) and Ming Zhao (“Zhao” and together with Puda, “Defendants”) based on Defendants’ failure to appear to answer or otherwise respond to the complaint in this action.

WHEREAS, the first complaint in this securities class action was filed on April 15, 2011 (Dkt. No. 1).

WHEREAS, on December 6, 2011 the Court appointed Salomon Querub, Howard Pritchard and Hotel Ventures LLC as lead plaintiffs and the Rosen Law Firm, P.A. and Glancy Binkow & Goldberg LLP as co-lead counsel. (Dkt. No. 38).

WHEREAS, on February 9, 2012 Plaintiffs filed the Consolidated Complaint (“CAC” or “Complaint”) against Defendants, Puda, Zhao, Liping Zhu, Qiong Wu, Jianfei Ni, Lawrence Wizel, C. Mark Tang, Moore Stephens Hong Kong, Moore Stephens P.C., and Moore Stephens International. (Dkt. No. 47).

WHEREAS, on March 15, 2012 Defendant Puda was duly served with a copy of the Summons and Complaint through its registered agent for service of process in the United States, the Corporation Trust Company. The affidavit of service was filed on April 5, 2012. (Dkt. 59).

WHEREAS, on n October 18, 2012 Ming Zhao was duly served with a copy of the Summons and Complaint In both English and translated into Chinese via the convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at the Hague (“Hague Convention”). A copy of the executed returned summons was filed with the Court on February 20, 2013 (Dkt. No. 138).

WHEREAS, Defendants Puda and Zhao have failed to answer or otherwise move with respect to the Complaint.

WHEREAS, on March 14, 2013 the Clerk of the United States District Court for the Southern District of New York issued a Clerk’s Certificate regarding Puda’s default. (Dkt. No. 151).

WHEREAS, on March 14, 2013 the Clerk the United States District Court for the Southern District of New York issued a Clerk’s Certificate regarding Zhao’s default. (Dkt. No. 150).

WHEREAS, the Court accepts as true, the factual allegations in the Complaint against Zhao and Puda, who have defaulted in this action.

WHEREAS, the Court accepts the Expert Report on Damages of Peter W. Lert Ph.D., CFA dated June 11, 2014, which neither Defendant Puda nor Defendant Zhao has contested, and finds, for the purposes of entering default judgment against Defendants Puda and Zhao, that Dr. Lert's aggregate damages and trading models discussed therein sufficiently support the aggregate out-of-pocket damages figure of \$236.7 million.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED the Motion for Default Judgment against Defendants Puda and Zhao is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Puda and Zhao shall be jointly and severally liable to pay Plaintiffs and the Class damages of \$236,700,000.

DATED: this \_\_\_\_ day of \_\_\_\_, 2014

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Honorable Katherine B. Forrest  
United States District Judge